

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERROL TODD RYAN,
PAUL R. BESSER,
SIMON SLU-SING CHAN,
ROBERT J. CHIU,
MEHRDAD MAHANPOUR,
and MINH VAN NGO



Application No. 10/791,096

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on December 14, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On August 24, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 3, paragraph 8, the examiner has stated, "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A

Application No. 10/791,096

review of the file reveals that references to Chang (U.S. Patent No. 6,858,506), Lim (U.S. 2004/0115929), Tseng (U.S. 2005/0035460) and Wolf et al (Silicon Processing for the VLSI Era, Vol. 1) were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) 1207.02. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to vacate the Examiner's Answer mailed August 24, 2006, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8); and

Application No. 10/791,096

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Pat J. Nolan*
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/dal

cc: ISHIMARU & ZAHRT LLP
333 W. EL CAMINO REAL
STE. 330
SUNNYVALE, CA 94087